

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 151, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 3, line 7, after "(b)" insert "**This subsection is effective**
2 **January 1, 2007.**".
- 3 Page 5, delete lines 3 through 42, begin a new paragraph and insert:
4 "SECTION 5. IC 12-17.2-4-3.5 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.5. (a) A child care
6 center shall, at no expense to the state, maintain and make available to
7 the division upon request a copy of drug testing results for an individual
8 who:
9 (1) is employed; or
10 (2) volunteers;
11 as a caregiver at the child care center. The drug testing results required
12 under this subsection must be obtained before the individual is
13 employed or allowed to volunteer as a caregiver.
14 (b) A child care center shall maintain a written policy specifying the
15 following:
16 (1) That the:
17 (A) use of:
18 (i) tobacco; or
19 (ii) a potentially toxic substance in a manner other than the
20 substance's intended purpose; and
21 (B) use or possession of alcohol or an illegal substance;

1 is prohibited in the child care center when child care is being
2 provided.

3 (2) That drug testing of individuals who serve as caregivers at the
4 child care center will be:

5 (A) performed ~~on a random basis~~, based on a protocol
6 established or approved by the division; and

7 (B) required if an individual is suspected of noncompliance
8 with the requirements specified under subdivision (1).

9 (c) If:

10 (1) the drug testing results obtained under subsection (a) or (b)
11 indicate the presence of a prohibited substance described in
12 subsection (b)(1)(A)(ii) or (b)(1)(B); or

13 (2) an individual refuses to submit to a drug test;

14 the child care center shall immediately suspend or terminate the
15 individual's employment or volunteer service.

16 (d) A child care center that suspends an individual described in
17 subsection (c) shall maintain a written policy providing for
18 reinstatement of the individual following rehabilitation and drug testing
19 results that are negative for a prohibited substance described in
20 subsection (b)(1)(A)(ii) or (b)(1)(B).

21 (e) Drug testing results obtained under this section are confidential
22 and may not be disclosed for any purpose other than the purpose
23 described in this section.

24 (f) A child care center that does not comply with this section is
25 subject to:

26 (1) denial of an application for a license; or

27 (2) suspension or revocation of a license issued;

28 under this chapter.

29 SECTION 6. IC 12-17.2-5-3.5 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.5. (a) A child care
31 home shall, at no expense to the state, maintain and make available to
32 the division upon request a copy of drug testing results for:

33 (1) the provider;

34 (2) an individual who resides with the provider and who is at least
35 eighteen (18) years of age; and

36 (3) an individual who:

37 (A) is employed; or

38 (B) volunteers;

1 as a caregiver at the child care home.

2 The drug testing results for an individual described in subdivision (3)
3 must be obtained before the individual is employed or allowed to
4 volunteer as a caregiver.

5 (b) A child care home shall maintain a written policy specifying the
6 following:

7 (1) That the:

8 (A) use of:

9 (i) tobacco;

10 (ii) alcohol; or

11 (iii) a potentially toxic substance in a manner other than the
12 substance's intended purpose; and

13 (B) use or possession of an illegal substance;

14 is prohibited in the child care home when child care is being
15 provided.

16 (2) That drug testing of individuals who serve as caregivers at the
17 child care home will be:

18 (A) performed ~~on a random basis~~, based on a protocol
19 established or approved by the division; and

20 (B) required if an individual is suspected of noncompliance
21 with the requirements specified under subdivision (1).

22 (c) If:

23 (1) the drug testing results obtained under subsection (a) or (b)
24 indicate the presence of a prohibited substance described in
25 subsection (b)(1)(A)(ii), (b)(1)(A)(iii), or (b)(1)(B); or

26 (2) an individual refuses to submit to a drug test;

27 the child care home shall immediately suspend or terminate the
28 individual's employment or volunteer service.

29 (d) A child care home that suspends an individual described in
30 subsection (c) shall maintain a written policy providing for
31 reinstatement of the individual following rehabilitation and drug testing
32 results that are negative for a prohibited substance described in
33 subsection (b)(1)(A)(ii), (b)(1)(A)(iii), or (b)(1)(B).

34 (e) Drug testing results obtained under this section are confidential
35 and may not be disclosed for any purpose other than the purpose
36 described in this section.

37 (f) A child care home that does not comply with this section is
38 subject to:

- 1 (1) denial of an application for a license; or
 - 2 (2) suspension or revocation of a license issued;
 - 3 under this chapter."
 - 4 Page 6, delete lines 1 through 8.
 - 5 Page 6, line 17, delete "division." and insert "**division, but not more**
 - 6 **than four (4) inspections per year per child care ministry.**"
 - 7 Page 6, delete lines 18 through 42.
 - 8 Delete page 7.
 - 9 Page 8, delete lines 1 through 32.
 - 10 Renumber all SECTIONS consecutively.
- (Reference is to SB 151 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 1.

Miller

Chairperson